

Date: February 23, 2005

Item No.

3.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Old Businesses

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REPORT ON IMPACTS OF QUASI-PUBLIC USES IN INDUSTRIAL ZONES

Background: A quasi-public use is defined in the zoning ordinance as:

"A use operated by a non-profit educational, religious, recreational, charitable, or medical institution, and having the purpose primarily of serving the general public. Such uses include churches, private schools, community, youth and senior citizen recreational facilities, private hospitals, government facilities, and the like."

Individually, quasi-public uses are conditional uses in many zoning districts throughout the City. The City has recently experienced numerous applications for these type of uses in the industrial zoning districts. This is primarily due to the high vacancies and reduced rents that occur in these areas since the economic downturn heavily affecting the current demand for industrial space. Staff has concerns with the loss of industrial space that would no longer be available for industrial uses when the industrial market turns around. There is also a concern that the character of business parks with high concentration of these quasi-public uses would change and no longer be attractive to some businesses.

At the Commission's October 13, 2004 meeting, staff brought a request forward to consider a 1,000-foot distance requirement between quasi-public uses in industrial zoning districts. The Commission directed staff to study the impacts of quasi-public uses on the existing industrial businesses prior to considering any changes to the zoning ordinance

Discussion: Staff has researched this issue by looking for existing literature, talking to major industrial companies within Milpitas, and comparing how other cities regulate these uses in industrial areas. The relevant literature we found on this issue was a policy statement by the Silicon Valley Manufacturing Group (SVMG) titled "Non-Industrial Uses in or Near Industrial Zones" (included in the Commission's agenda packet). We contacted LSI Logic, Solelectron, and Linear Technology to get their viewpoints on the issue as they are among the top ten industrial employers within the city. Solelectron and LSI Logic were involved in the creation of the SVMG policy statement. The cities of Campbell, Cupertino, Fremont, Mountain View, San Jose, Santa Clara, and Sunnyvale were contacted and all but San Jose allow quasi-public uses in industrial zones with use permits. San Jose only allows these uses in certain industrial areas by using a mixed industrial overlay in the General Plan.

It is clearly the position of the SVMG and the companies we talked to that the integrity of the industrial area in which they do business should be preserved. Their greatest concern is how non-industrial uses (specifically schools, daycare centers, and hospitals) could impact their ability to change operations given the significant number of environmental regulations they are required to comply with. SVMG's policy statement contains a summary of the environmental regulations that could be applicable to manufacturing and industrial facilities. Many of these regulations contain additional requirements if a facility is located in close proximity to a school or other use with a sensitive population.

Additional concerns expressed included additional delays in the permitting process (both locally and regionally), potential “not-in-my-backyard” complaints and opposition from non-industrial businesses, and loss of available land for other companies, such as suppliers, that support existing industrial business. In discussing possible solutions with the companies it became clear that a distance requirement between quasi-public uses, which would spread them throughout the industrial area, was not in the industry’s best interest. If quasi-public uses continue to be allowed, then clustering them in designated areas was clearly preferred. The uses that are of greatest concern are schools, daycare centers, and hospitals because they contain a high concentration of sensitive populations for long periods and are specifically referred to in environmental regulations.

Though these three uses currently don’t exist in any of the City’s industrial areas, it is very probable that could change given current trends and low industrial land values. Daycare centers are currently not allowed in any industrial zoning district but schools and hospitals are allowed in all districts with a use permit. To continue to provide a successful environment for the City’s industrial businesses staff is recommending prohibiting schools and hospitals from the industrial zones and creating designated industrial areas where future quasi-public uses could locate.

Recommendation:

1. Recommend the City Council direct staff to return with a zoning text amendment to prohibit schools (except vocational and business schools serving adults) and hospitals from all three industrial districts; Heavy Industrial (M2), Light Industrial (M1), and Industrial Park (MP).
2. Recommend the City Council direct staff to examine options to cluster (through rezoning and zoning text amendments) future quasi-public uses within the industrial zones to limit their potential impact on existing industrial businesses.



CITY OF MILPITAS

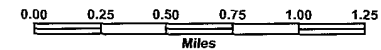
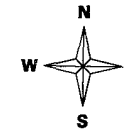
Quasi Public Uses

Located in Industrial Districts

February 2005

Legend

- Quasi Public Use
- Industrial Park (MP)
- Light Industrial (M1)
- Heavy Industrial (M2)
- City Limit Area



ID LEGEND

ID #	APN	QUASI PUBLIC ORGANIZATION	ADDRESS
1	2237011	LIVING WORD BAPTIST FELLOWSHIP	1494 CALIFORNIA CIR.
2	2231021	NORTH VALLEY CHRISTIAN	919 HANSON CT.
3	8621073	SOCIETY FOR CREATIVE ANACHRONISM	1759 S. MAIN ST.
4	8628052	INDIAN COMMUNITY CENTER	525-535 LOS COCHES ST.
5	8631054	LET THE LIGHT SHINE MINISTRY	1000 AMES DR.
6	8631058	KOREAN BAPTIST CHURCH	1201 MONTAGUE EXPWY.
7	8639001	GENSIS CHURCH (PENDING)	
8	8639024	SAN JOSE CHRISTIAN FELLOWSHIP	211-215 TOPAZ AVE
9	8627047	MACEDONIA MISSIONARY BAPTIST CHURCH	121 SINNOTT LN.
10	8628047	CROSSPOINT CHINESE CHURCH	680 E. CALAVERAS BLVD.
11	8638037	JEHOVAH WITNESS MILPITAS	300 S. HILLVIEW DR.
12	8641009	CALVARY CHAPEL MILPITAS	1757 HOURET CT
13	8644001	SOUTH BAY CHINESE GOSPEL CHURCH	467 SINCLAIR FRONTAGE RD.
14	8644020	ISLAMIC CENTER OF ZEHRA	533 SINCLAIR FRONTAGE RD.
15	8628033	ISLAMIC RESEARCH ASSOCIATION	473-479 LOS COCHES ST.
16	8636044	NEXT GENERATION CHRISTIAN CHURCH	380 MONTAGUE EXPWY
17	8628047	KIPPS BOOSTER CLUB	690 E. CALAVERAS BLVD.
18	8633102	JENNA INC.	1508 CENTRE POINTE DR.
19	2237019	B.A.P.S.	1430 CALIFORNIA CIR
20	8631060	SMASH CITY	1191 MONTAGUE EXPWY
21	8628034	O' MEI KUNG FU ACADEMY	451 LOS COCHES ST.
22	8632030	YUN YEE TONG MARTIAL ARTS	775 MONTAGUE EXPWY





Non-Industrial Uses in or Near Industrial Zones

January 22, 2004

Policy Statement:

It is the policy of the Silicon Valley Manufacturing Group to advocate for the protection of existing manufacturing, R&D and industrial operations from the encroachment of incompatible non-industrial land uses and occupancies that might impede ordinary business operations, or compromise the future economic viability of industrial enterprises. At the same time, SVMG recognizes that some underutilized industrial or commercial areas may be more appropriately rezoned for other uses, including affordable housing, retail, public or quasi-public uses, provided that remaining industrial areas are safeguarded against non-industrial encroachment. Consequently, it the policy of the Silicon Valley Manufacturing Group to encourage and facilitate appropriate evaluation of all risks and benefits of industrial/commercial land use re-zoning or re-development to enable other compatible uses to operate in proximity without planting the seeds for future conflict. Background:

One of the core tenants of the Silicon Valley Manufacturing Group (SVMG) is to preserve and enhance the economic vitality and quality of life of Silicon Valley. Presently, as in the economic downturn of the early and mid-1990's, commercial vacancy rates are high, the mix of technology and business in the valley is changing, and there are pressures to utilize areas zoned for commercial and industrial occupancies in different ways. Additionally, to meet other critical policy goals, it is important that cities zone sufficient land, particularly near transit nodes and downtowns, for affordable housing.

In balancing these important goals, we must not lose sight of how important manufacturing and industrial facilities are for the creation and preservation of good, high paying jobs, for a wide variety of skill-levels and occupations. Since some manufacturing businesses and Research & Development operations utilize large (significant?) quantities, or particularly dangerous types of hazardous materials, or operate in a manner that would create excessive noise, dust, traffic or other nuisance conditions not compatible with other uses, especially residential, it is especially important that we protect large, contiguous areas zoned exclusively for manufacturing and industrial uses, with appropriate buffers between industrial uses and , residential, public and quasi-public uses.

There are many existing regulatory and zoning restrictions on facilities and operations, which are intended to protect the community from potential hazards. Examples include:

Environmental Justice issues, public safety due to chemical use, heavy traffic, noise, dust, or community comfort due to nuisance smells or light. Historically, the intent of most environmental regulations have been to address concerns associated with existing or new industrial facilities. Aside from zoning reviews, there are few protections to prevent non-

industrial uses from encroaching upon established industrial facilities. When this situation occurs, the requirements of certain environmental regulations usually become more stringent, affecting the facility by adding to their regulatory and engineering costs through more stringent design criteria, and imposing more restrictive operating conditions. Indirectly, the host community is impacted by increasing emergency planning and response requirements. These economic impacts must be weighed against the potential benefit of the proposed land use or occupancy change. Incompatible land uses in proximity to one another may burden a community with controversy that must be managed at great expense to all concerned, or will be resolved by the loss of businesses vital to the economic well-being of the community.

Therefore, the Silicon Valley Manufacturing Group suggests that the following guidelines or criteria be utilized to evaluate some of the risks and benefits of rezoning commercial/industrial properties to balance these important competing needs.

Guidelines for consideration of non-industrial uses in industrial areas

Some United States cities have experience in establishing districts or defined urban areas where industrial and manufacturing operations that are incompatible with other uses, are given primacy. A good reference to these policy examples can be found at The Pratt Institute Center for Community and Environmental Development (PICCED), (<http://www.picced.org/lowres/index.html>) in their document "New York City Manufacturing Land Use and Zoning Initiative: Making it in New York" (see especially the report's Appendix B, Appendix B-1 and Appendix B-2). As described in this report, one characteristic of successful industrial zoning is that cohesive or contiguous districts are maintained, where necessary. However, once an industrial area has been broken up by non-industrial uses, significant limits on future industrial and manufacturing (or even R&D) occupancies may be an unintended consequence. Therefore, it is important that existing contiguous industrial or manufacturing areas be safeguarded.

Another useful reference is a tool developed by the City of Santa Clara (attached as Appendix 1), the "Industrial to Residential Conversion Criteria and Potential Sites", staff report and "Planning Criteria Evaluation Checklist".

If the proposed project will place into a contiguous manufacturing/industrial area any of the following uses, we strongly urge cities to weigh risks and benefits carefully.

Residential, including:

- Live-work lofts, rental, townhouse/condos, apartments, single-family units, etc.

Places of assembly:

- A Church, Synagogue, Mosque, Temple or other place of assembly associated with worship.
 - With child or adult day-care facilities?
 - With community service operations? (soup kitchen, shelter, etc.)
 - With full or part time on-site instruction?
- A school, public or private, for grades K – 12.
- An entertainment establishment such as a theater or nightclub.

Supporting services:

- A retail establishment such as a restaurant or bar or a store for consumer goods.

If such uses are allowed, there may be public safety issues associated with:

Hazardous Materials Storage and Management.

Many manufacturing/industrial facilities, including Research and Development (R&D) operations, utilize hazardous materials. The risk to surrounding businesses or occupants from these materials depends on the types and quantities of hazardous materials present now or potentially present in the future. Issues that cities may wish to consider in their evaluations include: evacuation routes, emergency responder (hazmat, fire, police, medical) resources available, location of hazardous materials transportation routes such as rail lines and sidings.

There may be public health and facility compliance burdens associated with:

Air Emissions.

R&D facilities, as well as manufacturers, may emit materials classified as ‘Toxic Air Contaminants’ under the Bay Area Air Quality Management District’s Regulations and the California Health and Safety Code. Facilities with such emissions are required to abate those emissions using ‘Best Available Control Technology’. However, if there are ‘sensitive receptors’ nearby, facilities may be required to eliminate these operations or to radically re-engineer their operations at significant cost, to prevent exposures. ‘Sensitive Receptors’ are defined as public or private schools grades K – 12 with 7 or more students (day care centers and instruction associated with religious centers can be considered ‘schools’) and residential areas.

There may be public safety and facility cost burdens associated with:

Facility Security and Liability Issues.

Industrial and manufacturing facilities may be concerned about liability issues, which arise when unauthorized personnel have access to (or could easily gain access to) their facilities. Examples include: curious children walking through industrial business parks on their way from or to school, unauthorized parking in business park parking lots. Certain non-industrial land uses may increase manufacturing and industrial facilities’ perception of increased liability and security concerns.

There may be community good-will and public safety issues associated with:

Community Comfort and Safety Issues.

Facilities may emit other types of materials, which are not toxic, but which may cause concern to those unfamiliar with industrial operations. People who are unfamiliar with industrial or manufacturing operations may be concerned or annoyed by nuisance odors, water vapor, dust or other emissions from these facilities.

Manufacturing or industrial facilities often utilize equipment such as water chillers or air compressors in their operations. While this equipment is not hazardous, it may create sounds or benign water vapor clouds which neighboring non-industrial occupants may find annoying, even if these are entirely safe or within regulatory limits.

Many manufacturing or industrial facilities keep their facilities lit around the clock for security purposes. Brightly lit facilities may be annoying to non-industrial uses, especially residential occupants.

Non-Industrial uses within industrial areas may either impact, or be impacted by vehicular traffic associated with those uses. Some commercial, industrial and manufacturing operations have large vehicles or heavy traffic associated with their operations. This traffic may be both a perceived nuisance and a hazard to non-industrial land uses. Conversely, if a non-industrial use brought a significant increase to vehicular traffic, this increase may impact the ability of existing businesses to move their employees and product and to safely evacuate the area in the event of a hazardous materials release or other emergency.

There may be 'good neighbor' conflicts due to:

Parking Demand.

Cities typically have specified parking ratios based on the size of the manufacturing or industrial facility and/or the number of anticipated employees. These ratios are likely to be different, or the timing of use of parking will be different for different occupancies. In the best of possible outcomes, mixed-use occupancies have opportunities to share parking areas through creative and mutually beneficial agreements, which cities can and should encourage, maximizing use of urban land and minimizing the creation of impervious surfaces. In some circumstances, shared parking will not be a viable option (due to liability concerns, timing, logistics or facility security concerns) and the increased parking demand will create conflicts between neighboring facilities and occupancies.

Other city requirements for landscaping, equipment screening or other cosmetic issues, may increase in areas where non-industrial uses are co-located with more traditional industrial land uses. If these requirements are imposed on existing industrial occupancies, it will further increase their costs.

Examples of Successful Zoning Conversions and Mixed Use Developments

There are a number of examples where former industrial/commercial areas have been successfully converted to other uses in Silicon Valley. One such example is the award-winning mixed-use development in Mountain View called "The Crossings." The development was built on an underutilized 1960s-era strip mall. Today, a mixture of homes from condos to small lot single-family homes, occupies the site. The development is located right next to a Caltrain station, a grocery store, and a large shopping mall and is walking distance to schools and parks. Other higher-density developments have also been built close by. The end result is a high-quality development that merges successfully with surrounding uses.

Traveling south one stop on the Caltrain line, at Mountain View's downtown station, excess commercial property owned by a hardware store/lumberyard on Evelyn Avenue was rezoned to permit the construction of a higher-density residential development. The cluster of small lot single-family homes is located across the street from the station, which is also the terminus for the county's light rail line, and two blocks from the city's downtown. The re-designed hardware store/lumberyard buffers the new residents from the predominantly service/industrial operations on the far side of the lumberyard.

Sunnyvale has also sought to maximize the potential of its light rail stations by rezoning an industrial area next to the Fair Oaks light rail station "industrial to residential." In doing so, the city realizes that over time this older industrial pocket will *gradually transform* to other purposes. But the city has chosen to allow this area to change, while prohibiting any residential development in the Moffet business park, just down the road from this parcel.

In an attempt to better integrate jobs and housing and transit in the city, in 1998 San Jose rezoned a 97.4 acre former ranch to encourage the development of a mixed-use high-density residential development next to the city's North San Jose employment center. The more than 3,000 apartments built at North Park, which were completed in 2003, are located next to numerous major employers, including Cisco, Sony, and Alterra corporations. However, the vast majority of these employers are offices and do not engage in operations that would be incompatible with residential neighbors. In fact, commercial office uses can provide a buffer between residential and other "sensitive receptors," and incompatible industrial/commercial uses.

That is precisely the design concept Greenbelt Alliance utilized in proposing a "smart growth" vision for the eventual development of San Jose's Coyote Valley. Their 89-page report published in June of 2003, "Getting it Right: Preventing Sprawl in Coyote Valley," envisioned the creation of a new urban community west of Monterey Highway and the existing Caltrain line between Bailey and Scheller Avenues, with higher-density development—residential and commercial—clustered around a Town Center and several neighborhood centers. Rather than segregating commercial development into an industrial park, Greenbelt Alliance proposed mixing jobs into this new community fabric to create more

walkable neighborhoods. However, recognizing the incompatibility of some industrial, manufacturing or bio-tech operations with residential uses, the organization proposed creating two discrete commercial districts specifically for these types of uses. The districts would be located at either end of the new town, near highway and rail lines, and would be “separated from residential uses by less sensitive employment activities,” such as office buildings and open space. Greenbelt Alliance’s proposal is one of many ideas being considered by San Jose as it develops a specific plan for Coyote Valley.

Environmental Regulations Relevant to Hazardous Materials, Industrial Uses and Proximity to Non-Industrial Land Uses.

The following environmental regulations may be applicable to manufacturing and industrial facilities. Most are applicable depending upon materials present or type or amount of emissions, regardless of neighboring uses. RMPP, RPM, and AQMD Water's Act compliance requirements change depending upon proximity of schools or residential populations to regulated facilities.

Health and Safety Code Section 25534.1 (Re. RMPP Preparation)

Requires consideration of proximity of facility to schools, residential areas, hospitals, long-term health care facilities, and day care facilities. This code does not define 'proximity'. However, the County of Santa Clara has indicated that a day care facility within one-quarter mile (1,320 feet) would trigger a required notice of an RMPP (Risk Management and Prevention Program) plan.

Title 40 FCR Chapter 1, part 68.1, Subchapter C. (RMP)

An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process must prepare a Risk Management Plan (RMP) which describes the planning and response appropriate to mitigate a possible release of a regulated substance.

Health and Safety Code Section 42301.6 (Re. Hazardous Air Emission Permits/ Water's Act Compliance)

Requires the applicant within 1,000 feet of a school to distribute a public notice of the permit application to parents or guardians of children enrolled in any school (K-12) public or private, within one-quarter mile and to each address within a radius of 1,000 feet.

Health and Safety Code Section 42301.7 (Re. Threat of Air Contaminant Release)

Requires air pollution control officer to notify the administering agency having jurisdiction over a school within 1,000 feet if there is a reasonably foreseeable threat of a release. Administering agency may then require preparation of or modification to a Risk Management Plan (if required under Title 40 FCR Chapter 1, part 68.1, Subchapter C.) or a state-required Risk Management and Prevention Program (RMPP). Also provides provisions for air pollution control officer to issue an immediate order to prevent the release or mitigate the release.

Health and Safety Code Section 44300 (re. Air Toxics "Hot Spots" Information Act of 1987)

Requires manufacturers or users of listed substances (above a certain threshold quantity) to prepare a site-specific inventory of toxic substance air emissions. When required by the agency, the report must include information on the proximity of the substance source to potential receptors, including those at schools.

Health and Safety Code Section 25507.10 (Re. Acutely Hazardous Materials Release)

Requires emergency response personnel to advise the superintendent having jurisdiction over a school within one-half mile of a release or threatened release of an acutely hazardous material.

Health and Safety Code Section 25221 and 25232 (Re. Hazardous Waste Disposal Site)

Defines 'hazardous waste property' as a site where a "significant disposal of hazardous waste has occurred", and a "border zone property" as one within 2,000 feet of a hazardous waste property. Prohibits residences, hospitals, schools for persons under 21 years of age, day care or any permanently occupied human habitation other than those used for industrial purposes on land that is designated a "hazardous waste property" or a "border zone property".

Health and Safety Code Section 25149 (Re. Hazardous waste facility operations)

Requires that no city, county or district may enact, issue, enforce, suspend, revoke, or modify any ordinance, regulation, law, license, or permit relating to an existing hazardous waste facility so as to prohibit or unreasonably regulate the disposal, treatment, or recovery of resources from wastes at that facility unless, after public notice and hearing, the operation of the facility is deemed to pose an imminent and substantial endangerment to the health and the environment.

Health and Safety Code Section 41700 (Re. Public Nuisance)

States that no person shall discharge from any source any air contaminant which causes nuisance or annoyance to any considerable number of persons of the public or endangers the comfort, health or safety of such persons or public.

California Regulations Title 22, Division 4.5, Chapter 16, Section 66266.8 (re. Series B Resource Recovery Facility Permit)

Requires consideration of proximity of facility to public structures and recreational facilities, businesses, private recreational facilities, hospitals, schools and residences in determining

whether to solicit public participation in the issuance of a Series B Resources Recovery Facility Permit. This code does not define “proximity”.

Public Resources Code Section 21151.4 (Re. Environmental Impact Reports and Hazardous Materials)

Requires written notification to, and consultation with, the school district before approval of an environmental impact report of negative declaration for construction or alteration of a facility involving reasonable anticipation of air emissions or handling of acutely hazardous material within one-quarter mile of a school.

Public Resources Code Section 21151.8 (Re. School Siting and Construction)

Requires identification of facilities within one-quarter mile, which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste and a finding that such a facility does not and will not constitute an actual or potential endangerment for approval of an environmental impact report or negative declaration for acquisition or construction of a school site.

Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1, Section 412 (Re. Toxic Air Contaminant Permit, Public Notice Schools)

Requires applicant within 1,000 feet of a school to prepare and distribute a public notice of the proposed new and modified source and the related proposed emissions. The notice must be distributed to the parents of the children in any school within one-quarter mile of the source and to each address within a radius of 750 feet.

Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1, (General Requirements)

Sources emitting Toxic Air Contaminants (TACs) must conduct a Health Screen Risk Assessment if their emissions are above a specified trigger level. The results of this assessment indicate chronic (cancer) and acute health risks to sensitive populations from the facility's emissions of TACs. The list of TACs includes many common and familiar materials, including: toluene and xylene (found in many adhesives) and methyl alcohol (also known as denatured alcohol), a common solvent, as well as some 70 additional materials known for their chronic and acute health hazards. Facilities plan their abatement devices and engineering controls based upon the outcome of their HSRA's, which are dependent upon distances from sensitive receptors. If non-industrial uses encroach upon an industrial facility emitting a TAC, the facility will very likely be required to re-engineer its facility, or cease its operations, to comply with this regulation.

Bay Area Air Quality Management District (BAAQMD) Regulation 1, Section 301 (Re. Public Nuisance)

State no person shall discharge from any source any air contaminant, which causes nuisance or annoyance to any considerable number of persons or the public or endangers the comfort, health or safety of such persons or the public. Three or more violations issued within a 30 day period shall give rise to the rebuttable presumption that the violations result from negligence.

Education Code Section 39003 (re. Acquisition of School Sites)

Prohibits the governing board of a school district from approving a project involving acquisition of a school site by a school district if the site is a current or former hazardous or solid waste disposal site, a "hazardous substance release site" or a site containing under or above ground piping carrying hazardous substances, acutely hazardous materials or hazardous wastes. Further requires consultation with any air pollution control district or air quality management district having jurisdiction to identify and make specific findings concerning facilities within one-quarter mile of the proposed school site which might reasonably be anticipated to emit hazardous air emissions or to handle hazardous or acutely hazardous materials, substances or waste.

County Hazardous Waste Management Plans (Required under AB2948 (Tanner))

Siting criteria for hazardous waste treatment facilities mandated under the 'Tanner Bill' require a 2,000 foot buffer zone between an industrial transfer/storage/treatment facility and any immobile populations, such as schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, etc.

Title 49 of the Code of Federal Regulations (49 CFR) Section 117. 825 (Re. Designated Hazardous Materials Shipping Routes)

49 CFR 177.825 identifies the guidelines for use in preparation of hazardous materials shipping routes. Routes are not limited to highways but include designated surface streets or portions thereof. Locating a school nearby could affect the approved shipping route for materials. The current approved route is available from the California Department of Transportation, Hazardous Materials Shipping Division.

Local Zoning Ordinances

Local zoning may not permit siting of a school, Group E (Educational) Occupancy, next to a Group H (Hazardous) Occupancy without a zoning change.

Pratt Institute Center for Community &
Environmental Development

Appendices B, B-1, & B-2

APPENDIX B: INDUSTRIAL LAND USE POLICY IN URBAN AREAS - MODEL STRATEGIES

This study introduces and compares several industrial zoning ordinances in urban environments highlighting key components of their regulations as tools for industrial neighborhood preservation and development. Zoning ordinances from Chicago, Portland, Seattle and Vancouver were selected because they represent examples of manufacturing preservation or address industrial/residential mixed use issues. They were reviewed from three perspectives:

1. The planning context in which they were created, looking into the nature of the ordinance, especially the flexibility of its application and its accountability to a broader regional or municipal local plan.
2. Their approach to industry-specific and area preservation, examining their Use Restrictions to identify the range of manufacturing and non-manufacturing uses allowed and how these restrictions are regulated, the ordinance's approach to the improvement of the built environment, and the existence of other mechanisms to promote manufacturing development.
3. Their approach to environmental regulations to control the impact of industrial processes on the surrounding environment. (See attached Ordinance matrix and table)

CHICAGO'S PLANNED MANUFACTURING DISTRICTS AND INDUSTRIAL CORRIDORS

Chicago's Planning Context

Chicago does not have a comprehensive plan to guide land use decisions. However, the city developed a generic special zoning district to protect manufacturing uses. The "Planned Manufacturing District" (PMD), Chicago's version of New York's Garment Center district, was adopted by the city council in 1988.

Chicago was losing industry, not only because of taxes or labor costs, but because there was a shortage of manufacturing-zoned land for expansion as a result of encroachment of residential and commercial activity through rezoning in and around manufacturing districts. The city came to the realization that stability was needed in the rezoning process so that manufacturers would feel secure enough to invest further in the city of Chicago via facility expansion.

PMDs were engineered with the support of a coalition of community organizations, industry, residents and aldermen that carried along an initially reluctant planning department. The PMD concept also received important support from major industrial and manufacturing concerns in the area.

PMDs are a prototype of Industrial "sanctuaries" that are established by application¹. Each PMD provides that no residential uses will be permitted in the area to which it is applied, and that "Supplementary Regulations" specifying prohibited uses and other restrictions will be developed and adopted by the city council for each area when the district is actually applied to the zoning map. In essence, the PMD merely sets forth very general parameters for its application, leaving the details to be worked out for each particular location. In addition, any changes in the PMD ordinance, including recommendations by the Plan Commission, require the approval of city council.

The establishment of PMDs was contingent on evaluations of industry's relevance to Chicago's economy. Key findings concluded that loss of viable, functioning industrial areas would erode jobs and wages in the Chicago area. Even if those areas were converted into high-priced retail zones, such conversions would result in the permanent displacement of many skilled industrial workers who

¹ Property owners, the alderman or the mayor may initiate the designation process.

would not be able to find suitable work in the service or retail sectors. In addition, it was found that business activity generated by manufacturers had a multiplier effect on Chicago's economy. Thus, manufacturing activity produced more employment, higher wages and higher value added to products than did retailing activity.² Since 1989, Chicago has established four PMDs in existing industrial areas throughout the City (Clybourn Corridor, Elston Corridor, Goose Island, and Kinzie Corridor).

Predicated on the success of PMDs in retaining and expanding manufacturing activity, the city of Chicago has established three "Industrial Corridors" on the North, West and South Sides. These Industrial Corridors, developed consecutively in 1991, 1992 and 1995, are Planning Districts proposed by the city as part of a comprehensive industrial land use policy to be implemented through zoning review and targeted public investments. Although they are not special zoning districts, the Planning Department intends to tailor uses and standards according to the needs of modern industries and establish zoning districts in a manner similar to the PMDs in order to protect the industries in those areas. The Industrial Corridors consist of contiguous, cohesive areas characterized by a preponderance of active industrial uses. City officials expect these uses to maintain their basic character in the future. The parcel configurations, transportation access, separation from non-industrial uses, local circulation patterns, and other physical characteristics lead to a reasonable expectation of continued industrial activity and further development.

Industrial corridor boundaries reflect the existing, established pattern of industrial land uses and differentiate these areas from those that are basically non-industrial in character. Corridors do not comprise the totality of manufacturing-zoned land or industrial land uses in Chicago. Rather represent key concentrations of industrial investment and employment, providing a framework to guide future public investment and land use regulation.

Chicago's Approach to Industrial Retention and Area Preservation

Each PMD is generally defined within existing manufacturing M districts M1 to M5, which like those in New York City are subdivided into M1-1 to M1-5, M2-1 to M2-5 and M3-1 to M3-5, according to levels of industrial nuisances and Floor Area Ratio³ (FAR) allowed.

To protect manufacturing industries, each PMD ordinance prescribes a specific supplementary Use regulation on existing "M" districts intended to curb non-industrial uses. The use restriction varies with each district, but in general, uses permitted as-of-right consist of general manufacturing and industrial uses along with limited accessory retail and office uses supplementary to industrial uses. Noxious industrial uses such as incinerators, liquid waste handling facilities, sanitary landfills and transfer stations are considered conditional uses that, when permitted by the PMD, undergo a special permit review that must be approved by the Board of Appeals subsequent to other environmental permits. Other conditional uses that require a special permit review include non-industrial ones that are not established in the PMD regulation but are allowed as-of-right in standard manufacturing districts. These include community centers, art galleries, and studios. Residential uses are prohibited, as are day care centers and adult establishments.

Other than use restrictions, the PMD ordinance includes regulations to protect adjacent non-industrial neighborhoods by establishing strict enclosure restrictions and front or side yard requirements to industrial establishments near residential district boundaries.

As a mechanism to preserve the existing industrial character of the area, the PMD ordinance maintains the underlying "M" district's bulk restrictions, preserving the existing industrial density. However, the ordinance lacks other requirements such as urban landscape standards to enhance the quality of the neighborhood.

² Creticos, 1988: 2

³ Floor Area Ratio is the total building's floor (gross) area on a zoning lot, divided by the lot area of the same lot. Thus, the total allowable gross area of a building on a 10,000 square feet lot with a FAR of 2.0 is 20,000 square feet.

Besides zoning mechanisms for the protection of industrial areas, the city offers a variety of industrial development incentive programs. These include low-interest loans for industrial firms, business infrastructure assistance, enterprise zone incentives, and tax increment financing, among others. The goal is to assist developers in creating new facilities, improving existing facilities or creating jobs for Chicago's residents. In addition, the city targets industrial capital improvement dollars for the support of industrial infrastructure such as upgrading bridges, viaducts and streets to industrial standards.

Despite Chicago's attempts to protect and promote manufacturing activity, the land use decision-making process has come under increasing criticism for two reasons. First, zoning change requests are ultimately approved by the alderman of each of the 50 wards, thus conferring the power to individuals acting without an articulated land use policy. Second, in the absence of a comprehensive land use plan, land use changes occur on a piecemeal basis as each case arises. This is critical in industrial areas other than PMD districts because unless the public participates in every land use decision, unforeseen changes to non-industrial uses can slowly and single handedly occur, leaving large tracts or industrial areas unprotected from market forces.⁴

Chicago's Environmental Framework

Chicago's manufacturing districts, including the PMDs, regulate environmental impacts of industrial activity through performance standards which are defined by both the Chicago Zoning Ordinance and state environmental regulations. Compliance with performance standards is required in the permitting process for new industrial facilities and for existing facilities proposing to modify or add an industrial use. The permit application requires a "Certification of Performance Standards" signed by a licensed architect or engineer, and it is reviewed by several City agencies comprising the Department of Revenue, the Buildings Department, the Zoning Department, and the Department of the Environment.

Chicago's performance standards regulate smoke and particulate matter, fire hazards, noise, vibrations, odors, glare, and heat for each M district (M1, M2, M3). More rigorous requirements apply to M1 districts which generally abut residential districts.

Since its inception in the 1950s, performance standards have undergone a few random revisions. The regulation lacks the implementation of a system of periodical reviews to update the standards according to new technologies or to incorporate other environmental evaluations to reduce the effects of harmful manufacturing activity.

The Department of Environment has the responsibility to ensure that industries continue to meet the standards. However, its complaint-based enforcement approach has not done much to solve environmental problems associated with emissions of pollutants and other industrial nuisances.

The overview of Chicago's industrial land use approach leads to the following conclusions:

- Despite criticism of its land use decision-making processes, Chicago's PMDs and Industrial Corridor policy had been instrumental in manufacturing retention and development. This is due in part to the following factors: an exclusionary use restriction that prohibits residential and most commercial uses in these areas, a wide range of industrial development programs offered by the City, and capital improvement dollars for the support of industrial infrastructure.
- Environmental regulations do aim at complying with pollution control criteria for these and other nuisances produced by industrial use, but they lack equally assertive approaches in pollution prevention and other sustainable manufacturing strategies.

⁴ Chicago Association of Neighborhood Development Organizations, 1999. p. _____ GET FROM MNIII

PORTLAND'S INDUSTRIAL ZONES AND DISTRICTS

Portland's Planning Context

In October 1980, the Portland city council adopted a comprehensive plan for the city as a guide for future development and redevelopment. The comprehensive plan was intended to be dynamic and able to inspire, guide, and direct growth in the city, responding to change through amendment and refinement. Since adoption, the goals, policies and objectives of the plan have been amended to respond to new circumstances, special studies, new technologies, and changes in state land use regulations. The zoning code (Title 33 of the Code of the City of Portland) is not a part of the Comprehensive Plan. Rather, it is the major implementation tool of the Comprehensive Plan Map. Since the map represents the application of the plan's stated goals and policies to specific locations within the city, the zoning code must be consistent with the land use designations and provide the definitions and standards for implementing the comprehensive plan.

Portland's comprehensive plan undergoes major reviews every five years to assure that it remains an up-to-date and workable framework for development. These reviews include technical evaluations, a report on the plan's progress and citizen involvement to evaluate the plan's effectiveness. Formal hearings are held before the Planning Commission and if significant changes appear to be desirable, the city council hears recommendations for amendments and then may formally modify the plan.

Portland's Approach to Industrial Retention and Area Preservation

Portland's ordinances include zoning districts and special districts. Zoning districts are referred to as "Base Zones." There are primarily five types of Base Zones: Open Space, Single-Dwelling Residential, Multi-Dwelling Residential, Commercial and Employment, and Industrial Zones. They can be considered development zones, intended to control growth and achieve determined development objectives. Each zone establishes what is allowable for different uses, including: uses allowed without restriction, uses allowed in limited situations, and conditional and prohibited uses. There are also development standards for each Base Zone, controlling height and setback requirements.

The Employment and Industrial Zones are de facto mixed use areas, where residential and commercial development is limited and controlled. These areas are further divided and mapped into defined zones, based on their principal use and physical character: General Employment (EG1 & EG2), Central Employment (EX), General Industrial (IG1 & IG2) and Heavy Industrial zones (IH). The three industrial zones, IG1, IG2 and IH, are established according to urban patterns and level of nuisance.

Use restrictions target the protection of these Industrial and Employment zones by curbing the development of non-industrial uses through a discretionary review process. Use restrictions vary by the designated zone, but in general uses permitted as-of-right include: manufacturing, wholesale/warehouse, industrial services, vehicle repair, railroad lines, utilities, parks, open areas, and agricultural uses. Uses permitted in the three industrial zones (IG1, IG2, and IH) with conditions include Residential and Institutional as well as Retail Sales & Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, Daycare and Waste-related uses. Other restrictions in density changes include limits in the size and number of retail, service & office businesses per site in areas designated as industrial. Changing these limits requires discretionary review. The ordinance contains no provisions for mixed use buildings.

Conditional uses as well as changes in use in any district must undergo a discretionary approval process according to potential impacts of the proposed use on existing use or development. There are three types of review according to the level of discretion; therefore, use changes to a different category entail quasi-judicial reviews which require a public hearing before an assigned review body. The approval criteria encourages the preservation of land for industrial uses while allowing residential

uses in limited situations where they will not interfere with industry. Residential uses in these zones are protected from nuisance impacts (including noise) and are held to the same standard as uses allowed by right. In the three industrial zones, a proposal for a use change must demonstrate that the existing transportation system is capable of safely supporting the proposed use as an addition to existing uses in the area, and that City-designated scenic resources are preserved. Depending on the use change being proposed, the regulation includes requirements to demonstrate that the proposed use:

- will not have significant adverse effects on nearby industrial firms
- will not significantly alter the overall industrial character of the area based on the existing proportion of industrial to non-industrial uses and on the effects of incremental changes;
- needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use

In addition to use restrictions, the ordinance requires development standards for each use. Thus, a proposed development must provide buffers between non-industrial development and existing industrial uses and must include a designed landscape and transportation plan.

Portland's regulations also include "plan districts" (special districts that undergo a neighborhood planning process) to address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. Plan districts provide a means to modify zoning regulations for specific areas as defined in special plans or studies. Each Plan District has its own nontransferable set of regulations. This contrasts with Base Zones and Overlay Zones (special zones overlaid on existing ones) which are intended to be applicable in large areas or in more than one area. However, Plan Districts are not intended for small areas or individual properties. After being reviewed through a legislative procedure, a Plan District may be established or removed as the result of an area planning study. *Plan District regulations are applied in conjunction with a base zone. The Plan District provisions may modify any portion of the regulations of the Base Zone, Overlay Zone, or other regulations. Its provisions may also apply additional requirements or allow exceptions to general regulations.* Thus, the Columbia South Shore Plan District, established according to the city's comprehensive plan, is a Special District for development as an industrial employment center, and it includes the protection of cultural and environmental resources. This district is intended to attract a diversity of industries and create employment opportunities while protecting significant environmental resources and maintaining the capacity of the area infrastructure to accommodate future development.

In addition to zoning mechanisms, the city provides incentives for businesses to locate and stay in target areas, and it encourages target industries to locate and expand within industrial areas.

Portland's Environmental Framework

Portland's environmental approach is framed within the comprehensive plan, and it is established in cooperation with public agencies such as the Metropolitan Service District (METRO), which administers the plan, and Oregon's State Department of Environmental Quality. In addition, the Central City Transportation Management Plan regulates air quality and alternative transportation activity for environmental protection.

In addition to requiring compliance with federal and other environmental standards, Portland's ordinance lists, defines and limits the quantities of hazardous substances allowed on a site. New developments regarding the use or handling of hazardous substances require a restrictive discretionary review process that must include approval from the other government agencies involved.

The ordinance also includes performance standards to ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. These standards relate to noise, vibration, odor and glare, which must comply with other environmental regulations, but their measuring system is indicated in their ordinance and updated periodically. In addition, measurements for compliance with these standards are made from the property line or within the property of the affected site.

The Planning Director and the Director of the Bureau of Buildings are responsible for zoning enforcement in Portland. The mandate of the City's Bureau of Buildings, in consultation with other environmental agencies, is to enforce performance standards. If the city does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The city may accept measurements made by an independent expert hired by the controller or operator of an off-site impact source. If the City contracts to have measurements made and no violation is found, the city will bear any expense of the measurements. If a violation is found, city expenses will be charged to the violator.

In addition, Portland's comprehensive plan includes support programs to encourage energy-efficiency in housing, commercial and industrial development.

The overview of Portland's industrial land use approach leads to the following conclusions:

- The success of Portland's land use approach is based in part on its reliance on a comprehensive plan that is accountable to local and regional agencies as well as to the residents.
- Industrial and mixed use character preservation is addressed through a restrictive use and development standards regulation that controls population, business location and growth, and includes urban appearance and enhancement provisions.
- Environmental and nuisance regulations are also established in the ordinance and updated periodically, and they are framed within state and regional codes and agencies.

SEATTLE'S INDUSTRIAL ZONES

Seattle's Planning Context

In 1994, the city of Seattle adopted a comprehensive plan, required by the state's Growth Management Act, to identify locations and strategies for the city to accommodate expected growth over a 20-year period (1994-2014). The current comprehensive plan includes sections that address land use, transportation, capital facilities, housing, utilities, economic development, neighborhood planning, human development, and cultural resources. The city is also considering making the plan's environmental section more comprehensive.

The comprehensive plan directed most of the expected growth into designated urban centers and urban villages and establishes zoning requirements for new developments to meet specified employment and residential density targets. Residents and business owners in each of these places participated in the city's neighborhood planning program and developed plans that looked at ways to accommodate growth and respond to its impacts. The city council is expected to adopt all of the 38 neighborhood plans in 2000.

Since June 1999, Seattle's Strategic Planning Office has been collecting data that will (1) identify areas where new households and new employment opportunities have located and where growth has fallen short of projections, (2) compare locations of capital improvement projects with the comprehensive plan's goals and policies, and (3) review levels of traffic congestion. In addition, staff will evaluate whether the original Comprehensive Plan policies are still relevant since the completion of the aforementioned neighborhood planning process.

By the third quarter of 1999, Seattle saw a growth of 1,816 dwelling units, bringing the total to 7,838 dwelling units citywide since the 1994 adoption of the Plan. 62% of this growth occurred in Urban Villages and Centers, the plan's target growth areas. This growth rate is on target with the predicted growth curve which the city estimated at 50,000 to 60,000 new households by the year 2014.

One of the goals of the Plan is to promote the development of manufacturing/industrial centers to ensure that adequate accessible industrial land remains available to promote a diversified employment base, to promote the use of industrial land for industrial purposes and to encourage economic activity and development in industrial areas. To achieve these goals, the plan establishes a series of policies including:

- limiting unrelated commercial or residential uses in industrial areas
- establishing defined and sheltered manufacturing/industrial centers with targeted job densities
- working with property owners towards strategies to enhance industrial activity.

Seattle's Approach to Industrial Retention and Area Preservation

The "Industrial Areas Land Use Policies" section is part of Seattle's Comprehensive Plan. The primary purpose of this group of policies is to provide opportunities for industrial activity including manufacturing, advanced technology industries, and a wide range of industrial-related commercial functions such as warehouse and distribution activities. The intent of these policies is to allow existing businesses to expand and facilitate locational opportunities for new businesses, and to provide some measure of protection to viable marine and rail related industries from uses competing for scarce resources.

There are three basic types of mapped industrial zones: General Industrial zones (IG1 and IG2), Industrial Buffer zones (IB), and Industrial Commercial zones (IC); they vary according to uses allowed, density, height, screening, and performance standards requirements⁵. Other Policies include Manufacturing Center Overlay (MCO) zones which are established as rezoning applications on existing industrial areas to encourage industrial development, especially advanced technology manufacturing research.

The use restrictions target the protection of these industrial zones by curbing the development of non-industrial uses through a discretionary review process. Each zone establishes a specific use provision, including: *Use Permitted Outright, Administrative and Council Conditional Uses, and Prohibited Uses*. In general, industrial uses permitted as-of-right include manufacturing, wholesale/warehouse, selected transportation facilities, food processing and recycling centers. Non-industrial uses permitted within in selected areas of an industrial zone include selected retail sale and services, offices, entertainment, utility services, caretaker's quarters, child care centers, and restricted hospitals, colleges and schools. Uses permitted with conditions include lodging, airports, major communication utilities, selected public facilities, artist's studio/dwelling in landmarked districts and high impact uses, which are defined in the ordinance and considered noxious or dangerous to the environment (See note at the end of this section). Each Conditional Use has specific requirements meant to protect manufacturing activity and avoid negative environmental impacts.

Conditional uses as well as use changes in the district must undergo a discretionary approval process based on the city's land use decision framework. There are five types of land use decisions according to the degree of discretion involved and which decision-making authority is involved (the Director of the Department of Construction and Land Use, the Hearing Examiner or the city council). Conditional uses are also defined and classified into Administrative and Council Conditional Uses and are subject to

⁵ General Industrial Zones--IG1 and IG2--are established to promote a full range of industrial activities and related support uses. They differ from each other in the density permitted for commercial uses not related to industrial activity. Industrial Buffer zones (IB) are established to provide an appropriate transition between industrial areas and adjacent residential or mixed residential/commercial zones, and permit the widest possible range of manufacturing uses and related industrial and commercial activities. To protect the livability of adjacent residential areas, the IB zone includes development standards and performance standards to separate industrial from residential activity. Industrial Commercial zones (IC) are established to promote business development of that incorporates a mix of industrial and commercial activities, including light manufacturing and research and development.

different reviews. Administrative Conditional Uses and variances are considered Type II, which are discretionary decisions made by the Director of the Department of Construction and Land Use (DCLU) and are subject to an administrative appeal hearing to Seattle's Hearing Examiner. Type II reviews require a Master Use Permit application to the Director, including a comprehensive evaluation of the proposal and its potential impacts on the area and environment. Type III decisions include decisions to approve, condition, or deny a project based on the State Environmental Policy Act (SEPA) and are made by the Hearing Examiner after conducting an open record hearing, and are not subject to administrative appeal. Type IV decisions are quasi-judicial decisions made by the city council according to existing legislative standards, and based upon the Hearing Examiner's record and recommendations. They include land use map amendments, public project approvals, major institution master plans, downtown planned community developments and council conditional uses. These include sewage treatment plants, incinerators, heliports and airports. Type V decisions are legislative made by city council in its capacity to establish policy and manage public lands. These include land use code text amendments and legislative rezoning that implement new City policies.

As mechanisms to protect and enhance the industrial areas, the Industrial Areas Land Use Policies include parking and loading requirements, landscaping and street standards. Other restrictions include screening, landscaping and setback requirements in IB zones and performance standards in IB & IC zones. In addition, development standards are required in IC zones in order to provide for the needs of industrial activity and reduce major land use conflicts between industrial development and abutting residential or pedestrian oriented commercial areas without placing unnecessary restrictions on manufacturing uses.

The land use decision framework provides opportunities for citizens to comment on land use applications which is one of the purposes of the city's land use decision process. For appealable Master Use Permits and council land use decisions, the public is notified of the application, has a chance to comment and, if dissatisfied with the decision, has a right to appeal.

To address residential / industrial proximity conflicts, the ordinance establishes a Conditional Use review for certain uses. For instance, heavy manufacturing uses may be permitted in IB and IC zones according to established criteria to regulate hours of operation, truck and service traffic, transportation infrastructure, and effects of vibration in adjacent non-industrial zones. However, the ordinance contains no provisions for mixed use buildings.

Seattle's Environmental Framework

Seattle's environmental review procedures are integrated into the procedures for master use permits and Council land use decisions. In Seattle, the Department of Construction and Land Use (DCLU) administers land use and construction codes. Land use permits assure that structures meet zoning requirements and comply with environmental regulations such as the State Environmental Policy Act (SEPA) and the Seattle Shoreline Master Program. Seattle's environmental legislation is based on SEPA, which requires that the environmental impacts of new development be assessed. Certain projects are exempt from environmental review. Exemption levels vary by zone and are established in the SEPA ordinance. For instance, in environmentally sensitive areas, one dwelling unit exceeding 9,000 square feet of development coverage is subject to SEPA. However, the construction of a parking lot designed for 20 or fewer vehicles is exempt. Landfills or excavations of 500 cubic yards or less are exempt except in environmentally sensitive areas.

For projects subject to environmental review, applicants are required to prepare an environmental checklist. DCLU reviews the checklist to determine if it may have a probable significant adverse impact. If impacts may be significant, a determination of significance is issued, and an environmental impact statement (EIS) is required. If DCLU determines that a project will not have probable significant adverse impacts, the department will issue a determination of non-significance and may condition or require modifications to the project to mitigate other environmental impacts.

Besides SEPA requirements, the Seattle industrial zones ordinance defines industrial noxious activity according to its effect on the environment. Thus, uses that are that are considered to have the potential to cause major community or health impacts, including chemically-intensive activity, nuisance, odors, noise, vibration, etc., are defined as High Impact Uses and are deemed conditional uses, requiring a discretionary review as described above. High Impact Uses, which are defined and listed in the ordinance, are classified into High Impact 1 and High Impact 2 according to the potential impact of the use.¹ High Impact 1 uses, which include potentially harmful manufacturing activity such as wood preservatives or wood pulp manufacture, tanneries, gas and crude petroleum refineries/storage, etc., may be permitted as an Administrative Conditional use in General Industrial IG1 and IG2 zones so long as it can comply with established criteria. Similar criteria are applied to permit selected High Impact Uses in Industrial Commercial IC zones.

In addition, Seattle's ordinance establishes transportation level-of-service requirements and limits proposed new uses or developments in industrial areas in order to regulate potential traffic problems generated by the use.

Enforcement of the complaint-based code land use code rests on the director of DCLU, who may call upon the police, fire, health or other appropriate city departments to assist in enforcement.

The overview of Seattle's industrial land use approach leads to the following conclusions:

- As in Portland, the met expectations of Seattle's land use approach can be attributed to its reliance on a comprehensive plan that is accountable to the community at large and it is inclusive in its local participatory approach.
- Industrial and area character preservation is addressed through a use and development standards regulation that promotes manufacturing development and controls population, business location and growth, and also regulates urban appearance and enhancement.
- Environmental and nuisance regulations, established in the ordinance are framed within state codes and are enforced by the City's DCLU. Enforcement and prevention with respect to environmentally harmful uses is addressed through the identification and discretionary regulation of High Impact Uses.

OTHER MODEL ORDINANCES APPROACH TO MIXED USE ZONING

Vancouver's Compatibility Matrix

In 1995, the city of Vancouver, Canada, adopted industrial lands policies to guide future land use decisions and retain most of the city's industrial land base for industries and service businesses. The implementation of these policies include a review of the zoning regulations to update definitions of industry in order to accommodate service businesses and to revise the uses that should be allowed to locate or be excluded from industrial areas.

Among the districts that were created as a result of the Industrial Land Strategy, as the policy is called, there are two mixed use districts (about 20 blocks each) that establish degrees of separation between residential, commercial and light manufacturing uses by use of a compatibility matrix established to evaluate proposals for development. The degrees of separation are based on a table that establishes the compatibility of uses with residential development and whether they are allowed as-of-right, with conditions, or not allowed within mixed use buildings or 25 feet from a residential component. Most of the light manufacturing uses are not allowed as-of-right in mixed use buildings, but the level of compatibility can be improved through a performance evaluation system based on the specific use, scale and design of the proposed use or the existing adjacent uses (See Appendix C: Vancouver's Residential Compatibility Matrix).

The success or failure of these districts is intended to be evaluated in the next revision of the Industrial Land Strategy, scheduled for 2005, or at the Council's request.

ⁱ "High-impact use" refers to a business establishment that is considered to be dangerous and/or noxious due to the probability and/or magnitude of its effects on the environment; and/or has the potential for causing major community or health impacts, including but not limited to nuisance, odors, noise, and/or vibrations; and/or is so chemically intensive as to preclude site selection without careful assessment of potential impacts and impact mitigation. For the purposes of this definition, mixing, compounding and blending of chemicals shall not be considered a high-impact use if the result is not a Group A hazardous material, or Group B hazardous materials in quantities greater than the amounts listed in the definition of High-impact One (1) uses as defined below. High-impact uses are classified as either "High-impact One (1)" or "High-impact Two (2)" as set forth below.

"High-impact One (1)" use means the following or other substantially similar activities:

- Battery manufacture and reprocessing for reuse;
- Crude petroleum refinery and storage;
- Manufacture of wood preservatives;
- Distillation of wood, coal or bones, or manufacture of by-products; animal black or bone black manufacturing;
- Gas (illuminating or heating) manufacture or storage;
- Rendering of fat, tallow, lard; extraction of animal or fish fats and oils;
- Smelting of ore;
- Stockyards, hog farms, slaughterhouses except poultry, including packing and freezing;
- Tanneries;
- Wood pulp manufacture;
- Manufacture of Group A hazardous materials, except Class A or Class B explosives;
- Storage of Class A or Class B explosives;
- Manufacture of Group B hazardous materials when the hazardous materials are present in quantities greater than two thousand five hundred (2,500) pounds of solids, two hundred seventy-five (275) gallons of liquid, or one thousand (1,000) cubic feet of gas at any time.

"High-impact Two (2)" use means the following or other substantially similar activities:

- Manufacture of Class A or B explosives;
- Manufacture, use or storage of fissile materials.

"Hazardous materials" means substances that are capable of posing severe risk to health, safety or property. "Hazardous materials" are categorized into three (3) groups based on the degree of danger posed by their use, as follows:

"Group A hazardous materials" means substances that generally pose physical hazards such as explosion or which are highly toxic. "Group A hazardous materials" shall include but not be limited to the following:

- Explosives and blasting agents (except Class C explosives as defined by the Fire Code);¹
- Reactive materials (includes alkali metals, metallic carbides, metallic hydrides, organo-metallic compounds, and other similar substances). Those materials that are rated with a reactivity (instability) rating of three (3) or four (4) when rated in accordance with Uniform Fire Code Standard 79-3 are considered reactive materials. Combinations of materials listed in NFPA Standard 491M -- Manual of Hazardous Chemical Reactions, are considered reactive materials.
- Unstable materials (materials with a reactivity rating of three (3) or four (4) in accordance with Uniform Fire Code Standard 79-3); materials that vigorously decompose; materials that vigorously polymerize; and peroxide-forming chemicals.
- Radioactive materials (common radiation source materials), except those used in medical and industrial test and measuring situations.
- Oxidizers -- Class Three (3) or Four (4) from NFPA Standard No. 43A as follows:
 - Class Three (3) -- an oxidizing material that will cause a severe increase in the burning rate of combustible material with which it comes in contact;
 - Class Four (4) -- an oxidizing material that can undergo an explosive reaction when catalyzed or exposed to heat, shock or friction;
- Highly toxic materials including Class A poisons, as defined by the Fire Code¹ -- etiologic and biological agents that cause disease or abnormal conditions, carcinogens, mutagens and teratogens.
- Corrosive, highly toxic or poisonous, and unstable gases.

"Group B hazardous materials" means substances that generally are either flammable or corrosive. "Group B hazardous material" shall include, but not be limited to, the following:

- Class C explosives as defined by the Fire Code¹;
- Class B poisons as defined by the Fire Code¹;
- Class I-A and I-B flammable liquids as defined by the Fire Code¹;
- Class I-A shall include those having flashpoints below seventy-three (73) degrees Fahrenheit and having a boiling point below one hundred (100) degrees Fahrenheit;

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- Class I-B shall include those having flashpoints below seventy-three (73) degrees Fahrenheit and having a boiling point at or above one hundred (100) degrees Fahrenheit.
 - Flammable Solids -- organic and inorganic solids, and combustible metals.
 - Oxidizing Materials -- Class One (1) and Two (2) as listed in NFPA Standard No. 43A, as follows:
 - Class One (1) -- An oxidizing material whose primary hazard is that it may increase the burning rate of combustible material with which it comes in contact;
 - Class Two (2) -- An oxidizing material that will moderately increase the burning rate or which may cause spontaneous ignition of combustible material with which it comes in contact.
 - Flammable and oxidizing gases.
 - Corrosives -- acids, bases, and other corrosives.

"Group C hazardous materials" means the following listed materials and other similar substances which may present severe risk to health, safety or property but which are generally more common and present less severe hazards than Group A and B materials:

- Class I-C flammable liquids as defined in the Fire Code¹ (flashpoints below one hundred (100) degrees Fahrenheit;
- Combustible liquids -- Class II and III as defined in the Fire Code¹ as follows:
 - Class II liquids include those having flashpoints at or about one hundred (100) degrees Fahrenheit and below one hundred forty (140) degrees Fahrenheit;
 - Class III-A liquids include those having flashpoints at or above one hundred forty (140) degrees Fahrenheit and below two hundred (200) degrees Fahrenheit.
- Inert or chemically unreactive, and liquified gases.
- Other regulated materials including irritants.

Source: Seattle Municipal Code, Title 23 - Land Use Code Subtitle V -- Administration Division 2 - General Terms Chapter 23.84 -- Definitions

APPENDIX B-1: INDUSTRIAL LAND USE POLICY IN URBAN AREAS

TABLE 1. SUMMARY OF SELECTED INDUSTRIAL AND MIXED USE ORDINANCES IN URBAN AREAS

CITY	ORD. NAME	ORDINANCE TYPE	GENERAL FEATURES	MECHANISMS TO PROTECT MANUFACTURING							MECHANISMS TO PROTECT & ENHANCE AREA	ENVIRONMENTAL REGULATION			COMMENTS
				Manuf. Uses Permitted By-right	Non-Manuf. Uses Permitted By-right	Prohibited Uses	Uses Permitted w/ Conditions	How Conditional Uses are Regulated	Other Restrictions	Industrial Incentives		Hazardous Substances	Nuisance Regulation	Enforcement	
CHICAGO	PMD (Planned Manufacturing District)	Special District (Area for protection and development of manufacturing industry)	<ul style="list-style-type: none">Incorporated in Industrial Corridors land use planIndustrial sanctuary, established by applicationAny changes in the ordinance requires the approval of City Council.Areas are defined on existing "M" districts, M1 to M5, each subdivided into 10-5 according to levels of industrial nuisances and FAR allowed.Prescribes Supplementary Use regulation on existing "M" districts to turn non-industrial uses	<ul style="list-style-type: none">Vines with PMD & within "M" districtGeneral Manufacturing and Industrial Uses	<ul style="list-style-type: none">Vines with PMDLimited accessory Retail Uses, supplementary to Industrial UsesParking FacilitiesMedical ClinicsCaring FacilitiesOffices	<ul style="list-style-type: none">ResidentialMost CommercialDay Care CentersAdult Uses	<ul style="list-style-type: none">Vines with PMDNoxious industrial uses (incinerators, Transfer Stations, Landfills, etc.)Public UtilitiesSelected Commercial / Retail UsesCommunity CentersArt Galleries & Studios	<ul style="list-style-type: none">Nonconforming Uses can only be changed to Permitted Uses.Zoning changes to Non-industrial Uses or other Conditional Uses undergo discretionary review: evaluation of findings (incl. effects of change on Manuf. sector) by Zoning Board of Appeals & approval from the Alderman	<ul style="list-style-type: none">Enclosure restrictions & yard requirements for all buildings near Residential District boundaries.	<ul style="list-style-type: none">The Planning Dept offers a variety of industrial development incentive programs (Low-interest loans, infrastructure assistance, Tax Increment Financing).City's capital improvement programs for industrial infrastructure support	<ul style="list-style-type: none">Maintains underlying "M" districts' bulk restrictions, preserving existing industrial density of area	<ul style="list-style-type: none">Permit Application requires Certification of Performance StandardsEstablishes Performance Standards for each "M" district (M1, M2, M3) for Noise, Vibration, Odors & Glare/HeatEstablishes Performance Standards for each "M" district (M1, M2, M3) for Smoke/Pollutants Matter & Fire Hazards and refers to other ordinances in Municipal Code	<ul style="list-style-type: none">Establishes Performance Standards for each "M" district (M1, M2, M3) for Noise, Vibration, Odors & Glare/Heat	<ul style="list-style-type: none">Several City agencies reviews compliance on application.Complaint-based program of enforcement by Department of Environment	<ul style="list-style-type: none">The ordinance is the product of a comprehensive industrial land use policy by the City to protect and promote manufacturing businesses and jobs.Industrial & area preservation is addressed through an exclusionary Use restriction that protects manufacturing activity, and through industrial development programs offered by the City.Environmental and nuisance regulations establish rigorous standards to control negative environmental impacts, but lack pollution prevention mechanisms
PORTLAND	Employment and Industrial Zones	Zoning District. The district is divided into defined development zones based on their main use and physical character: General Employment (1 & 2), Central Employment, General Industrial (1 & 2) and Heavy Industrial zones	<ul style="list-style-type: none">Established according to City's Comprehensive PlanIndustrial sanctuary and mixed use areas, where residential & commercial development is limited and controlled, use and physical character: General Employment (1 & 2), Central Employment, General Industrial (1 & 2) and Heavy Industrial zonesThe 3 industrial zones, IG1, IG2 and IH are divided according to urban patterns and level of nuisanceNo provision for mixed use bldgs (Industrial/residential)The ordinances and the Comprehensive Plan are reviewed every 5 yearsAllows the creation of Industrial Parks	<ul style="list-style-type: none">In all Industrial and Employment zones:Manufacturing,Warehouses & FreightWholesaleIndustrial Svcs	<ul style="list-style-type: none">In all Industrial and Employment zones:Vehicle Servicing & Repair,Self-Svc StorageRailroad lines & Utilities,Parks, Open AreasAgricultural uses	<ul style="list-style-type: none">In all Indust. and Employment zones:Group LivingSchools & CollegesMedical CentersReligious Institutions	<ul style="list-style-type: none">In all Industrial and Employment zones:Residential & Institutional UsesRetail Sales & SvcsOfficesCommercialOutdoor RecreationCommens, ParkingCommunity Svcs & DaycareWaste-related uses in industrial zones	<ul style="list-style-type: none">Conditional Uses undergo discretionary Review Procedure according to potential impacts of the proposed use on cost, use or developmentThere are 3 Types of Review Procedures according to the level of discretionUse changes to different category or new Uses require quasi-judicial reviews which require a public hearing before an assigned review body.Each Cond. Use Review requires evaluation of transport, systems according to the area's capacity to support the use	<ul style="list-style-type: none">Limits size & number of Retail, Service & Office businesses per acre in the industrial areas. Changing limits requires Discret. Review	<ul style="list-style-type: none">Support programs and policies to maintain Downtown Portland and the Lloyd District as major regional employment, cultural, business, and governmental centers.Incentives for businesses to locate and stay in target areas. Encourage target industries to locate, stay and expand within the City.	<ul style="list-style-type: none">Conditional Uses Review Procedures are intended to protect area from non-manufacturing development.Establishes specific dev. standards for new Residential Uses in Industrial Zones, when allowed.Establishes residential density limits on new developmentsPrescribes buffers, landscaping and screening requirements along contiguous Indust. & Resid. districts	<ul style="list-style-type: none">Lists, defines and limits the quantities of hazardous substances allowed on a site.Requires discretionary review process for all new developments that handle environmentally harmful substances listed in the ordinances, including approval from other government agencies.	<ul style="list-style-type: none">The City's Bureau of Buildings in consultation with other environmental agencies is to enforce performance standardsThe Planning Director reviews land use applicationsMonitor-based program of enforcement by Bureau of Buildings	<ul style="list-style-type: none">These ordinances are the product of a comprehensive land use policy to control and guide the development of the City, which is reviewed every 5 years.Industrial and mixed use character preservation is addressed through a restrictive Use and development standard regulation that controls population and businesses location and growth, and urban appearance and enhancement.Environmental and nuisance regulations are established in the ordinance and are framed within state and regional codes and agencies.	
COLUMBIA	South Shore Plan District	Special District (Area for development as industrial employment center and protection of cultural and environmental resources)	<ul style="list-style-type: none">Established according to City's Comprehensive PlanIndustrial employment district established through planning process to attract employment opportunities, to protect environmental resources & maintain the capacity of the area infrastructure to accommodate future developmentThe district is divided into defined zones based on their main use and physical character (similar to above)No provision for mixed use buildings (Industrial/residential)	<ul style="list-style-type: none">In all Industrial and Employment zones:Manufacturing,Wholesale,Industrial Services,Vehicle Servicing & Repair,Railroad lines & Utilities,Parks, Open AreasAgricultural usesWholesale	<ul style="list-style-type: none">Industrial Svcs, Vehicle Servicing & Repair,Railroad lines & Utilities,Parks, Open AreasAgricultural uses	<ul style="list-style-type: none">Waste-Related Uses involving Hazardous SubstancesGroup LivingSchools & CollegesMedical CentersReligious Institutions	<ul style="list-style-type: none">Residential & Institutional Uses in the industrial zonesMannes & relatedComm. Plng. Facil.Prof. & Tech. FacilitiesLodgingAirports & HeliportsMayor Comm. UtilitySelected Public Faci.	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Incentives for businesses to locate and stay in target areas. Encourage target industries to locate, stay and expand within the City.	<ul style="list-style-type: none">Conditional uses same as above.Establishes development standards for different areas to enhance the image of the different zones within the district, unify public improvements and to provide attractive pedestrian environments.Establishes standards to protect cultural resources (archaeological sites)Establishes standards for environmental zones	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as above		
SEATTLE	Industrial Zones	Zoning District. The district is divided into defined zones based on their main use: General Industrial (IG1 & IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones	<ul style="list-style-type: none">Established according to City's Comprehensive PlanIndustrial sanctuaries where commercial and office uses are allowed and new residential uses prohibitedThe 4 industrial zones, IG1, IG2, IB and IC are divided according to uses, allowed, density, height, screening, or performance standards requirementsNo provision for mixed use buildings (Industrial/residential)	<ul style="list-style-type: none">In all 4 Industrial Zones:Light and General ManufacturingWarehousesSelected Transportation facilities,Food ProcessingRecycling Centers	<ul style="list-style-type: none">In all 4 Industrial Zones:Selected Retail Sales & Services,OfficesEntertainment (except Adult)Utility Services,Caretaker's QuartersChild Care Centers,Parks & Playgrounds,Schools, Colleges,Hospitals, Community Centers only in bldgs existing since 1957.	<ul style="list-style-type: none">In all 4 Industrial Zones:Residential Uses (except legally established)Selected Dwelling Units in IB & IC zones)Artists' studio/dwellingResidential use in Landmark DistrictSelected Heavy ManufacturingHigh Impact Uses (noxious or dangerous to environment)	<ul style="list-style-type: none">Conditional Uses & Use Changes undergo a discretionary approval process based on the City's land use decision frameworkThere are 5 Types of Land Use Decisions according to the degree of discretion & who makes the decisionAdministrative Conditional Uses & Variances are Type I, which are discretionary decisions made by the Director of DCU & are subject to an administrative appeal hearing to Seattle's Hearing ExaminerConditional Uses & Variances require a Master Use Permit application to the Director, which include a comprehensive evaluation of the proposal & its potential impacts on the area's environment	<ul style="list-style-type: none">Each Conditional Use has specific requirements mostly to protect manufacturing activity and avoid negative environmental impacts.Screening, Landscaping & Setback requirements in IB zones.Performance Stats in IB & IC	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Establishes development standards to control the size, setback and height of new structures, to enhance physical appearance through landscaping requirements and to allow view corridorsRequires transportation plan for new developments not exempted from state environmental review according to established standards.	<ul style="list-style-type: none">Environmental regulations are based on the State Environmental Policy Act (SEPA), which requires environmental impact assessments of new developmentsDefines industrial nuisance activity according to impact on environment (High Impact Uses)High Impact Uses are considered Conditional Uses and require discretionary reviewHigh Impact Uses are considered Conditional Uses and require discretionary reviewUses involving air pollutants & odor emitting are required to include mitigating measures developed in consultation with local air pollution control agency.Requires mitigating measures for nuisance included in the design	<ul style="list-style-type: none">Environmental regulations are based on the State Environmental Policy Act (SEPA), which requires environmental impact assessments of new developmentsDefines industrial nuisance activity according to impact on environment (High Impact Uses)High Impact Uses are considered Conditional Uses and require discretionary reviewHigh Impact Uses are considered Conditional Uses and require discretionary reviewUses involving air pollutants & odor emitting are required to include mitigating measures developed in consultation with local air pollution control agency.Requires mitigating measures for nuisance included in the design	<ul style="list-style-type: none">The Department of Construction and Land Use (DCLU) administers land use and construction codesLand Use permits assure that structures meet zoning requirements and environmental regulations.The Director of DCLU is responsible for complaint-based code enforcementThe director may call other agencies to assist in enforcement	<ul style="list-style-type: none">These ordinances are the product of a comprehensive plan for the City (1994) to identify and accommodate growth over a 20-year period.Industrial and area preservation is addressed through a restrictive Use and development standard regulation that controls growth and urban appearance and enhancement.Environmental and nuisance regulations, established in the ordinance and are framed within state codes and agencies are regulated by the Planning Department.	
	Manufacturing Center Overlay	Special District. (Allowed by rezoning application in all Indust. Areas to promote new Indust. Devel., esp advance tech. Manuf.)	<ul style="list-style-type: none">Industrial district established through planning process to attract employment opportunities & maintain the capacity of the area infrastructure to accommodate future development.No provisions for mixed use buildings (Industrial/residential).	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as aboveLodgingColleges & Universities	<ul style="list-style-type: none">Heavy Manuf., Solid Waste LandfillsSolid Waste Transfer StationsIncinerators & large infrastructure uses	<ul style="list-style-type: none">Selected Public FacilitiesArtist's studio/dwellingResidential use in Landmark District	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Same as above		
NEW YORK	Special Mixed Use District	Special District. The district combines a Residential (R) and a Light Manufacturing (M1) districts	<ul style="list-style-type: none">Mixed Residential / Commercial/Manufacturing district established by applicationGenerally keeps exist. M1 district (M1 to M5 according to FAR allowed)"R" district is assigned by Planning Department.Establishes provisions for mixed use buildings (Industrial/residential).Prescribes Use Provision based on exist. "R" & "M" zones	<ul style="list-style-type: none">Warehouses / WholesaleAutomotive	<ul style="list-style-type: none">Most ResidentialCommunity Facilities & Open UsesLocal & Regional RetailDetached ResidencesAmusement & Services	<ul style="list-style-type: none">Heavy ManufacturingSingle-Family	<ul style="list-style-type: none">Selected Light manufacturing, industrial & commercial uses that require environmental certifications.	<ul style="list-style-type: none">Conditional Uses require commercial certification by DEP prior to building permit application.Taxes Special Permit Review required for Conditional Uses as underlying "R" & "M" districts	<ul style="list-style-type: none">Mixed use building development requires specific environmental complianceHeavy manufacturing uses are prohibited	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Development standards (bulk, height) generally maintain existing area characteristics	<ul style="list-style-type: none">District application requires environmental reviewRequires environmental testing & remediation for development on lots assessed as environmentally harmful.Requires environmental certification from industrial uses to allow Residential & Community facilities development in mixed use buildings	<ul style="list-style-type: none">Makes no reference to Performance Standards for Noise, Vibration, Odors & Glare/Heat, but assumes compliance.	<ul style="list-style-type: none">Buildings Department reviews compliance on application.Complaint-based program of enforcement by Department of Environmental Protection	<ul style="list-style-type: none">The ordinance is a tool to allow industrial / commercial / residential mixed use development in manufacturing areas with existing mixed use patterns.Industrial and area character preservation is not addressed in the ordinance.Limited environmental regulations are incorporated, and nuisance regulations are not addressed
	Loft Zoning	Special District. M1-SA & M1-SB (Joint Living-Work Quarters for Artists) and M1-SM & M1-BM (Residential Conversion of Loft Buildings)	<ul style="list-style-type: none">Mixed Residential / Manufacturing or Artists District established by application for conversion of existing Loft buildings in established areasAllows Mixed Use buildings (Industrial/residential)	<ul style="list-style-type: none">Light and General Manufacturing	<ul style="list-style-type: none">Limited ResidentialCommunity FacilitiesLocal & Regional Retail / Commercial	<ul style="list-style-type: none">Heavy Manufacturing	<ul style="list-style-type: none">Vines with DistrictSelected Light manufacturing, industrial & commercial usesAdult Uses	<ul style="list-style-type: none">Variances & Conditional Uses require Special Permit Review by the Board of Standards & Appeals of the city Planning Commission	<ul style="list-style-type: none">Establishes preservation of area within building for light manufacturing uses in M1-SM & M1-BM	<ul style="list-style-type: none">None	<ul style="list-style-type: none">Development standards (bulk, height) generally maintain existing area characteristics	<ul style="list-style-type: none">District application requires environmental reviewNo specific provisions for Hazardous Substances but addressed in Performance Standards	<ul style="list-style-type: none">Refers to Performance Standards for Noise, Vibration, Odors & Glare/Heat established for "M" districts for selected manufacturing uses	<ul style="list-style-type: none">Same as above	<ul style="list-style-type: none">Buildings legalized under the Loft Law are intended to protect both the tenant artists and their landlords by establishing regulations to control rent increases. But high upgrading costs to comply with the law has decreased legislationOther Loft conversions allow gradual transition to non-industrial uses.

APPENDIX B-2: SELECTED INDUSTRIAL ORDINANCES IN URBAN AREAS

TABLE 2. COMPARATIVE SELECTED INDUSTRIAL AND MIXED USE ORDINANCES IN URBAN AREAS

TABLE 2. COMPARATIVE SELECTED INDUSTRIAL AND MIXED USE ORDINANCES IN URBAN AREAS										
CITY		CHICAGO	PORTLAND		SEATTLE		NEW YORK		NOTES	
CHARACTERISTICS										
NAME		PMD (Planned Manuf. District)	Employment & Industrial Zones	Columbia South Shore Plan District	Industrial Zone	Industrial Overlay District	Special Mixed Use District	Loft Zoning	● YES ○ NO ◐ CONDITIONAL	
ORDINANCE TYPE	Discretionary Zone	●		●	●		●	●		
	Zoning District		●		●					
GENERAL FEATURES	Complies with Comprehensive Plan	○	●	●	●	●	○	○		
	Result of Community/ Neighborhood Planning Initiative	◐ 1	○	●	○	●	○	○	1. Industrial Land Use Plan	
	Product of Discretionary Rezoning Action	○	○	○	○	○	●	●		
	Allows Mixed Use (Res/Indust)	○	●	●	◐ 2	◐ 2	●	●	2. Only Artist's Dwelling/Studio and Residential in Landmark District	
	Provisions for Mixed Use Buildings	○	○	○	○	○	●	●		
MECHANISMS TO PROTECT MANUFACTURING	Exclusive Manufacturing Use	●	○	○	○	○	○	○		
	Prohibits Residential Development	●	○	○	○	○	○	○		
	Restricts Residential Development		●	●	●	●	◐ 3	●	3. Mainly applies to mixed use buildings.	
	Restricts Commercial Development	●	●	●	●	●	○	◐ 4	4. In M1-5A & M1-5B (Joint Living-Work Quarters for Artist)	
	Restricts Other Industrial Uses	●	◐ 5	◐ 5	●	●	●	●	5. Uses Involving Hazardous Substances	
	Contains Built-In Sanctions	○	○	○	○	○	○	●		
	Additional City Incentives/Programs	●	●	●	○	○	○	○		
	Additional City Capital Investments	●	●	●	●	●	○	○		
	Restricted Uses Require City Discretionary Review/Approval	○	●	●	◐ 6	◐ 6	○	○	6. Large municipal infrastructure projects (Sewage treatment plants, etc.)	
	Use Change (Different Category) Requires City Council Review/Approval	◐ 7	●	●	◐ 6	◐ 6	○	○	7. For Uses not established in regulation	
MECHANISMS TO PROTECT & ENHANCE AREA CHARACTER	Establishes Residential Density Limits/Control		●	●	●	●	○	○	8. Only when initiated by City according to Comprehensive Plan	
	Restricted Uses require evaluation of transportation-related impacts	○	●	●	●	●	○	○		
	Establishes Specific Standards to Control Development of Area	○	●	●	●	●	○	○		
	Contains Urban Design/Landscape Provisions	○	●	●	●	●	○	○		
ENVIRONMENTAL APPROACH	GENERAL	Regulates location of Environmentally Hazardous Uses according to Residential Use Location	●	●	●	●	●	○	○	
		Regulates location of Residential Uses in District according to Environmentally Hazardous Use Location		●	●	●	●	○	●	
		Restricts Waste-related Uses & Requires City Discretionary Review/Approval	○	●	●	●	●	○	○	
		Contains Policies for Environmental Regulations Periodic Revisions & Updates	○	●	●	●	●	○	○	
		Provides Incentives/Programs for Pollution Prevention	○	○	○	○	○	○	○	
	PERFORMANCE STANDARDS IMPLEMENTATION	For Industrial Use Location in District	●	●	●	●	●	○	●	
		For Any Non-residential Use Location in District where Residential is allowed		●	●	○	○	○	○	
		For Residential Use Location in District		●	●	○	○	○	○	
		For Hazardous/Air Polluting Activities	●	●	●	●	●		●	
		For Nuisance Control	●	●	●	●	●		●	
		Contains Policies for Standards' Periodic Revisions & Updates	○	●	●	●	●	○	○	
		Multi-Agency Compliance & Single-Agency Enforcement	○	○	○	●	●	○	○	
	ENFORCEMENT	Multi-Agency Compliance & Multi-Agency Enforcement	●	●	●	○	○	●	●	
		Complaint-Based Environmental Regulations	●	○	○	●	●	●	●	
Monitor-Based Environmental Regulations		○	●	●	○	○	○	○		

City of Santa Clara

Industrial to Residential Conversion Planning Criteria Guidelines

Industrial to Residential Conversion Planning Criteria Guidelines

Site address:

APN:

Acreage:

Location description:

The following evaluation is designed to address findings of suitability for the conversion of property from industrial/commercial use to a residential use for an area or specific site. While individual responses may vary, the assignment of a ranking to each of the criteria provides a measurable and comparable analysis of the given area/site. Subtotals for each of the five categories below allow for weighting of criteria where some subjective factoring may be arguably crucial to evaluation of a site. A higher total score in the ranking, more than 50 points of a possible 80, generally means the area/site is a positive candidate for conversion. Comments and supporting information may be attached. The results of this evaluation should then be considered along with any required thorough fiscal/economic evaluation of the proposed land use change.

Criteria	Ranking					Score
	Strongly Agree			Strongly Disagree		

A. GENERAL PLAN AND ZONING COMPATIBILITY

The establishment of General Plan and Zoning designations provides property owners and tenants with a degree of reliance on allowable land uses within an area. Proposals should demonstrate that changes in the designation(s) of a project site would not adversely affect the uses of nearby properties. The following criteria address Land Use and Zoning matters:

- | | | |
|--|-------------------------------|---|
| 1. General Plan supports housing | 4 3 2 1 0 | <input style="width: 50px; height: 20px;" type="text"/> |
| <ul style="list-style-type: none"> ▪ The current General Plan (GP) designation and the programs and policies of the Land Use element support residential uses or uses other than industrial activity in the area ▪ A change in the land use plan for the site would not result in a substantial discord or conflict with the long range vision for uses in the surrounding area ▪ A change in the land use plan for the site could improve the relationship of neighboring uses ▪ Comments: | | |
| | | |
| 2. GP/Zoning changes do not result in isolated designation | 4 3 2 1 0 | <input style="width: 50px; height: 20px;" type="text"/> |
| <ul style="list-style-type: none"> ▪ The proposed zoning designation and use will be suitably connected to other similar designations or is a logical extension of or infill within compatible districts ▪ The site will share common property lines and/or street frontages and connections with compatible districts ▪ Residential use and activity will not be out of context with the character of the general area and particularly with the character of the predominant street(s) ▪ Comments: | | |
| | | |
| 3. GP/Zoning change does not result in land use conflicts | 4 3 2 1 0 | <input style="width: 50px; height: 20px;" type="text"/> |
| <ul style="list-style-type: none"> ▪ The proposed use will not compromise the current or allowable operations of nearby properties ▪ Project design features can reduce/minimize potential conflicts between uses on nearby sites to a level that is less than significant ▪ Comments: | | |

SUBTOTAL: General Plan and Zoning Compatibility (Possible 12 points)

A

The site is generally suitable for residential conversion, based upon criteria associated with General Plan and Zoning standards. Comments:

Criteria**Ranking**
Agree Neutral Disagree**Score****B. RESIDENTIAL ATTRIBUTES**

The suitability of a site for residential uses may depend upon its location, orientation, size and overall relationship to its surroundings. Projects to be located on small parcels that are effectively isolated within industrial/commercial areas would be discouraged. The following criteria address the aspects of the proposal that help define the connection to the community:

4. Site/area abuts compatible uses

4 3 2 1 0

- One or more sides of the site abut existing residential, commercial or public uses that are typically considered compatible to residential use
- Allowable activities that abut the site or share a street frontage provide no greater noise, traffic, odors, lighting or activity greater than would be expected in residential or commercial (non-industrial) areas
- Comments:

5. Site is logical extension of residential area

4 3 2 1 0

- Site configuration presents a suitable connection to compatible uses and does not protrude into or disrupt a contiguous and logical arrangement of industrial commercial properties
- Site appears as a logical infill that evens out borders between less compatible uses
- Comments:

6. Provides substantial housing near jobs

4 3 2 1 0

- The site is well situated for convenient access to substantial and varied employment opportunities
- Comments:

7. Site can provide substantial unit yield at suitable density

4 3 2 1 0

- The site is large enough to create a substantial number of units to offset a loss of industrial acreage
- The site and unit density is sufficient to produce the desired inclusion of affordable housing Where transit options are available, the site can yield a suitable higher density by project design and product type
- Comments:

SUBTOTAL: Residential Attributes (Possible 16 points)B

The site is generally suitable for residential conversion, based upon criteria associated with general residential aspects of the site. Comments:

C. ENVIRONMENTAL COMPATIBILITY

The introduction of housing into industrial areas may present risk of exposure of residents to potential hazardous conditions or other incompatible industrial/commercial activities. The following criteria address the aspects of the proposal that help determine environmental quality and general livability of the proposal.

8. Does not abut incompatible industrial area

4 3 2 1 0

- Residential development of the site will not subject residents to existing or allowable industrial activities that are considered incompatible by environmental and land use standards (noise, odors, et al)
- Residential site edges are not compromised by abutting industrial development or activity of industrial streetscapes
- Comments:

9. Does not subject residents to adverse health risks

4 3 2 1 0

- Residential development of the site does not create an adverse health and safety for residents
- Residential development of the site does not create unanticipated liabilities or limitations for existing or allowable industrial users in the vicinity due to restrictive regulatory requirements

Criteria

Ranking
Agree Neutral Disagree

Score

- Site location does not create a substantially difficult emergency service response situation in the event of a hazardous incident
- Comments:

10. Suitable site design can address adverse conditions

4 3 2 1 0

- Site design and project orientation can minimize visual and other potential adverse conditions where industrial and residential uses abut or lie within close proximity (less than 300 feet)
- Access, separation and screening measures can avoid adverse relationships between incompatible uses
- Comments:

11. Site is not isolated by any significant physical barrier

4 3 2 1 0

- Roads, sidewalks and pathways provide suitable connection from site to established residential and supporting areas for adults and children
- The site is suitably connected so that convenience of access does not lend itself to cutting through industrial properties or across unsafe transit/roadway corridors at uncontrolled points
- Comments:

SUBTOTAL: Environmental Compatibility (Possible 16 points)

The site is generally suitable for residential conversion, based upon criteria associated with environmental conditions around the site and environmental regulations pertaining to allowable uses in the vicinity.

Comments:

D. AVAILABILITY OF SERVICES

The proximity to schools, shopping, libraries and other residential supporting activities is an important consideration. The following criteria address quality of life considerations related to convenience of daily services:

12. Site is close to existing schools

4 3 2 1 0

- The site is within walking distance (1/2 mile) of a public elementary school along a suitable pedestrian/bicycle pathway or sidewalk system. Actual walking distance: _____
- Convenient access to schools is not hindered by transportation corridors that act as barriers or by industrial properties that may be seen to be unsuitable conditions attractive to passing children
- Comments:

13. Pedestrian/bicycle access is safe and convenient

4 3 2 1 0

- Pedestrian and bicycle systems within the general vicinity of the site are suitable for residential activity
- Nearby streets are suitable for residentially oriented traffic
- Comments:

14. Parks are convenient to site

4 3 2 1 0

- Public open space/parks are convenient to the site, generally within 1/2 mile (walking distance)
- Access to open space/parks is adequate for pedestrians and bicycles
- Comments:

15. Retail services, including food market are convenient

4 3 2 1 0

- Convenience services are generally within 1 or 2 miles
- Access to convenience services is adequate for pedestrians and bicycles
- Comments:

Criteria**Ranking**
Agree Neutral Disagree**Score**

- 16 **Site can take advantage of transit** 4 3 2 1 0
- The site is located within ½ mile of a transit node (rail station, light rail station, major bus stop)
 - Development can provide shuttle services to facilitate transit connections
 - Comments:

SUBTOTAL: Availability of Services (Possible 20 points)**D**

The site is generally suitable for residential conversion, based upon criteria associated with the convenience of typical residential services in the vicinity. Comments:

E. OTHER PLANNING CONSIDERATIONS

The conversion from employment to housing should not adversely impact the City's fiscal and economic situation.

- 17 **Added housing displaces low-density jobs site(s)** 4 3 2 1 0
- The existing site development underutilizes the site and its environment
 - The existing low-density job conditions of the site are inappropriate for the area and higher density residential or mixed use could well serve the area
 - Comments:

18. **Existing development is outdated/underutilized** 4 3 2 1 0
- The economic life or industrial value of the site improvements are failing significantly
 - Substantial investment in site infrastructure is needed for reasonable on-going use of the site
 - Comments:

19. **Conversion should be revenue neutral or positive for City** 4 3 2 1 0
- Residential conversion would result in a neutral or positive balance, based upon a comparative fiscal evaluation of taxes and services
 - Comments:

20. **Viability of adjacent employment uses are not threatened** 4 3 2 1 0
- Conversion will not foster further unintended conversion of surrounding industrial properties
 - Residential use will not create hardships for neighboring employment
 - Comments:

SUBTOTAL: Other Planning Considerations (Possible 16 points)**E**

The site is generally suitable for residential conversion, based upon criteria associated with various considerations relevant to decisions on the conversion. Comments:

A B C D E **Total**

SUMMARY COMMENTS: